

STATE OF WASHINGTON,)
)
)
Plaintiff,) No.
)
)
vs.)
)
) STATEMENT OF DEFENDANT ON
_____,) PLEA OF GUILTY TO FELONY
) NON-SEX OFFENSE (**STTDFG**)
Defendant.)
)
)
)

- FORM REV 7/10/15
STATEMENT OF DEFENDANT ON PLEA OF GUILTY
(Felony) - 1

1
2 **5. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT I HAVE THE**
3 **FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY**
4 **PLEADING GUILTY:**

5 (a) The right to a speedy and public trial by an impartial jury in the county where the crime
6 is alleged to have been committed;

7 (b) The right to remain silent before and during trial, and the right to refuse to testify against
8 myself;

9 (c) The right at trial to testify and to hear and question the witnesses who testify against me;

10 (d) The right at trial to have witnesses testify for me. These witnesses can be made to
11 appear at no expense to me;

12 (e) The right to be presumed innocent until the charge is proven beyond a reasonable doubt
13 or I enter a plea of guilty;

14 (f) The right to appeal a determination of guilt after a trial.

15 **6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA(S), I**
16 **UNDERSTAND THAT:**

17 (a) The crime(s) with which I am charged carries a sentence(s) of:

Count No.	Standard Range	Enhancement That Will Be Added to Standard Range	Maximum Term and Fine
			_____ years \$_____
			_____ years \$_____
			_____ years \$_____

21 The crime of _____ is a most serious offense as defined by
22 RCW 9.94A.030, and if I have at least two prior convictions on separate occasions whether in this

1 state, in federal court, or elsewhere, of most serious crimes, I may be found to be a Persistent
2 Offender. If I am found to be a Persistent Offender, the Court must impose the mandatory sentence
3 of life imprisonment without the possibility of early release of any kind. RCW 9.94A.570. [If not
4 applicable, this paragraph should be stricken and initialed by the defendant and the judge ____ ____.]

5 (b) The standard sentence range is based on the crime charged and my criminal history.
6 Criminal history includes prior convictions and juvenile adjudications or convictions, whether in
7 this state, in federal court, or elsewhere.

8 (c) The prosecuting attorney's statement of my criminal history is attached to this
9 agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's
10 statement is correct and complete. If I have attached my own statement, I assert that it is correct
11 and complete. If I am convicted of any additional crimes between now and the time I am sentenced,
12 I am obligated to tell the sentencing judge about those convictions.

13 (d) If I am convicted of any new crimes before sentencing, or if any additional criminal
14 history is discovered, both the standard sentence range and the prosecuting attorney's
15 recommendations may increase or a mandatory sentence of life imprisonment without possibility of
16 parole may be required by law. Even so, I cannot change my mind and my plea of guilty to this
17 charge is binding on me.

18 (e) In addition to sentencing me to confinement, the judge will order me to pay \$500 as a
19 victim's compensation fund assessment and a \$100 DNA fee. If this crime is a felony drug violation
20 of RCW Chapter 69.50, the judge will impose an additional fine of \$1000 (\$2000 if this is not my
21 first such conviction) unless the judge finds that I am indigent. If this crime is a violation of RCW
22 69.50.401 relating to synthetic cannabinoid, the judge will impose an additional fine of at least
\$10,000 pursuant to RCW 69.50.430, unless the judge finds that I am indigent. If this crime

1 resulted in injury to any person or damages to or loss of property, the judge will order me to make
2 restitution, unless extraordinary circumstances exist which make restitution inappropriate. The
3 judge may also order that I pay a fine, court costs, attorney fees, and other costs and fees, and place
4 other restrictions and requirements upon me. Furthermore, the judge may place me on community
5 custody.

6 (f) In addition to confinement, if the total period of confinement ordered is more than 12
7 months, the judge will sentence me to the following period of community custody, unless the judge
8 finds substantial and compelling reasons to do otherwise:

9 For crimes committed prior to July 1, 2000: for a drug offense, assault 2, assault of a child
10 2, or any crime against a person where there is a finding that I or an accomplice was armed with a
11 deadly weapon, one year; for any vehicular homicide or for a vehicular assault by being under the
12 influence or by operation of a vehicle in a reckless manner, 18 months; for a serious violent offense,
13 two years.

14 For crimes committed on or after July 1, 2000, and prior to August 1, 2009, as follows:

- 15 ☐ Serious violent offense: a range of 24 to 36 months.
16 ☐ Violent offense: 18 months.
17 ☐ Crimes against persons or violation of RCW 69.50 or 69.52 : a range of 9 to 12
18 months.

19 For crimes committed on or after August 1, 2009, as follows:

- 20 ☐ Serious violent offense: 36 months.
21 ☐ Violent offense: 18 months.
22 ☐ Crimes against persons or violation of RCW 69.50 or 69.52 : 12 months.

The longest applicable period of community custody will be imposed. During the period of
community custody I may be under the supervision of the Department of Corrections, and I will
have restrictions and requirements placed upon me. My failure to comply with these conditions will

1 result in the Department of Corrections transferring me to a more restrictive confinement status or
2 other sanctions being imposed. [If not applicable, this section should be stricken and initialed by
3 the defendant and the judge____ ____.]

4 (g) The prosecuting attorney will make the following recommendation to the judge: _____
5 _____
6 _____
7 _____

8 ☐ The prosecutor will make the recommendation stated in the plea Agreement and State's
9 Sentence Recommendation, which are incorporated by reference.

10 (h) The judge does not have to follow anyone's recommendation as to sentence. The judge
11 must impose a sentence within the standard range unless there is a finding of substantial and
12 compelling reasons not to do so or both parties stipulate to a sentence outside the standard range. If
13 the judge goes outside the standard range, either I or the State can appeal that sentence to the extent
14 to which it was not stipulated. If the sentence is within the standard range, no one can appeal the
15 sentence.

16 (i) The crime of _____ has a mandatory minimum sentence of
17 at least _____ years of total confinement. The law does not allow any reduction of this
18 sentence. For crimes committed on or after July 24, 2005, this does not apply to juveniles tried as
19 adults pursuant to a transfer of jurisdiction under RCW 13.40.110 (see RCW 9.94A.540(3)). [If not
20 applicable, this paragraph should be stricken and initialed by the defendant and judge ____ ____.]

21 (j) As to Count(s) _____, I am pleading guilty to the crime of aggravated murder in the first
22 degree and was under the age of 18 at the time of the offense. If I was under the age of 16 at the
time of the offense, the judge will impose a minimum term of total confinement of 25 years and a

1 maximum term of life for that crime. If I was at least 16 but less than 18 years old at the time of the
2 offense, the judge will impose a minimum term of total confinement that is at least 25 years and
3 may be as long as life without the possibility of parole, and will impose a maximum term of life for
4 that crime. During the minimum term, I will not be eligible for earned early release time, home
5 detention, partial confinement, work release or any form of early release. [If not applicable, this
6 paragraph should be stricken and initialed by the defendant and the judge ____ ____.]

7 (k) Because I was under the age of 18 at the time of all of the offenses to which I am
8 pleading guilty (and I am not pleading guilty to aggravated murder), under certain conditions I may
9 petition the indeterminate sentence review board for early release from the sentence for these
10 offenses after 20 years of total confinement, if at that time I have not been convicted of any crime
11 committed after I reached the age of 18. If I am released early, I will be subject to community
12 custody for a period up to the length of the court-imposed term of confinement and I may be
13 returned to confinement if I violate a condition(s) of community custody. [If not applicable, this
14 paragraph should be stricken and initialed by the defendant and the judge ____ ____.]

15 (l) The crime charged in Count _____ includes a firearm / deadly weapon
16 sentence enhancement of _____ months. This
17 additional confinement time is mandatory and must be served consecutively to any other
18 sentence and any other enhancement I have already received or will receive in this or any
19 other cause. However, if I was under the age of 18 at the time of these offenses, these
20 enhancements do not preclude release after 20 years of confinement, upon approval of a petition
21 pursuant to RCW 9.94A.730. [If not applicable, this paragraph should be stricken and initialed by
22 the defendant and the judge ____ ____.]

1 (m) This offense is a felony firearm offense as defined by RCW 9.41.010, including any
2 felony committed while armed with a firearm, and the judge may impose a requirement that I
3 register with the sheriff in the County where I reside, for a period of four years from sentencing or
4 from my release from confinement for this offense, whichever is later, in compliance with RCW
5 9.41.333. [If not applicable, this paragraph should be stricken and initialed by the defendant and
6 judge _____.]

7 (n) The sentences imposed on counts _____, except for any weapons enhancement,
8 will run concurrently unless there is a finding of substantial and compelling reasons to do otherwise.
9 [If not applicable, this paragraph should be stricken and initialed by the defendant and judge
10 _____.]

11 (o) Government assistance may be suspended during any period of confinement.

12 (p) For the crime of vehicular homicide while under the influence of intoxicating liquor or
13 any drug, the sentence will be increased by two years for each prior offense as defined in RCW
14 46.61.5055. This additional confinement time is mandatory and must be served consecutively to
15 any other sentence and any other enhancement I have already received or will receive in this or any
16 other cause. [If not applicable, this paragraph should be stricken and initialed by the defendant and
17 the judge _____.]

18 (q) For the crimes of vehicular homicide committed while under the influence of
19 intoxicating liquor or any drug, or for vehicular assault committed while under the influence of
20 intoxicating liquor or any drug, or for any felony driving under the influence, or felony physical
21 control under the influence, the court will add 12 months to the standard sentence range for each
22 child passenger under the age of 16 who is an occupant in the defendant's vehicle. These
enhancements are mandatory, shall be served in total confinement, and must be served

1 consecutively to any other sentence and any other enhancement I have already received or will
2 receive in this or any other cause. [If not applicable, this paragraph should be stricken and initialed
3 by the defendant and the judge ____ ____.]

4 (r) Because I am pleading guilty to felony driving under the influence of intoxicating liquor,
5 or any drugs, or felony actual physical control of a motor vehicle while under the influence of
6 intoxicating liquor, or any drug, in addition to the provisions of chapter 9.94A RCW I will be
7 required to undergo alcohol or chemical dependency treatment services during incarceration. I will
8 be required to pay the costs of treatment unless the court finds that I am indigent. My driving
9 privileges will be suspended, revoked or denied. Following the period of suspension, revocation or
10 denial, I must comply with the Department of Licensing ignition interlock device requirements. In
11 addition to any other costs of the ignition interlock device, I will be required to pay an additional fee
12 of \$20 per month. [If not applicable, this paragraph should be stricken and initialed by the
13 defendant and the judge ____ ____.]

14 (s) This conviction may affect my privilege to obtain a commercial motor vehicle driver's
15 license or result in the loss of any current commercial motor vehicle driver's license. RCW
16 46.25.090. [If not applicable, this paragraph should be stricken and initialed by the defendant and
17 the judge ____ ____.]

18 (t) Counts _____ are serious violent offenses arising from separate and distinct
19 criminal conduct and the sentences on those counts will run consecutively unless the judge finds
20 substantial and compelling reasons to do otherwise. [If not applicable, this paragraph should be
21 stricken and initialed by the defendant and the judge ____ ____.]

22 (u) The judge may sentence me as a first-time offender instead of imposing a sentence
within the standard range if I qualify under RCW 9.94A.650. This sentence may include as much

1 as 90 days of confinement plus all of the conditions described in paragraph (6)(e). The judge also
2 may require me to undergo treatment, to devote time to a specific occupation, and to pursue a
3 prescribed course of study or occupational training. In addition, I may be sentenced to up to 6
4 months or, if treatment is ordered, 12 months of community custody. [If not applicable, this
5 paragraph should be stricken and initialed by the defendant and the judge _____.]

6 (v) The judge may sentence me under the special drug offender sentencing alternative
7 (DOSA) if I qualify under former RCW 9.94A.120(6) (for crimes committed before July 1, 2001),
8 or RCW 9.94A.660 (for offenses committed on or after July 1, 2001). This sentence could include a
9 period of total confinement for one-half of the midpoint of the standard range or 12 months,
10 whichever is greater, and community custody of at least one-half of the midpoint of the standard
11 range, plus all of the other conditions described in paragraph (6)(e). The judge could impose a
12 residential treatment-based DOSA alternative that would include three to six months of residential
13 chemical dependency treatment and 24 months of community custody, plus all the other conditions
14 described in paragraph (6)(e). During confinement and community custody under either alternative,
15 I will be required to participate in substance abuse evaluation and treatment, not to use illegal
16 controlled substances and to submit to testing to monitor that, and other restrictions and
17 requirements will be placed on me. [If not applicable, this paragraph should be stricken and
18 initialed by the defendant and the judge _____.]

19 (w) The judge may sentence me under the parenting sentencing alternative if I qualify under
20 RCW 9.94A.655. A sentence under that alternative would consist of a period of 12 months of
21 community custody, plus all of the other conditions described in paragraph (6)(e). During
22 community custody, I will be required to follow conditions imposed by the court and the

1 Department of Corrections. [If not applicable, this paragraph should be stricken and initialed by the
2 defendant and the judge _____.]

3 (x) This plea of guilty will result in revocation of my privilege to drive under RCW
4 46.20.285 (1)-(3), (5)-(7). If I have a driver's license, I must now surrender it to the judge. [If not
5 applicable, this paragraph should be stricken and initialed by the defendant and the judge _____.]

6 (y) I understand that RCW 46.20.285(4) requires that my driver's license be revoked if the
7 judge finds I used a motor vehicle in the commission of this felony.

8 (z) If this crime involves a sexual offense, prostitution, or a drug offense associated with
9 hypodermic needles, I will be required to undergo testing for the human immunodeficiency virus
10 (HIV). [If not applicable, this paragraph should be stricken and initialed by the defendant and the
11 judge _____.]

12 (aa) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a
13 crime under state law is grounds for deportation, exclusion from admission to the United States, or
14 denial of naturalization pursuant to the laws of the United States.

15 (bb) I will be required to provide a biological sample for purposes of DNA identification
16 analysis.

17 (cc) Because this crime involves a kidnapping or unlawful imprisonment offense involving
18 a minor, or because this crime is promoting prostitution in the first or second degree and I have at
19 least one prior conviction for promoting prostitution in the first or second degree, or because this
20 crime is (human) trafficking in the first degree under RCW 9A.40.100(1)(a)(i)(A)(III) or (IV) or
21 (1)(a)(i)(B) (relating to sexually explicit acts or commercial sex acts), I will be required to register
22 where I reside, attend school, or work. The specific registration requirements are described in the

1 “Offender Registration” Attachment. [If not applicable, this paragraph should be stricken and
2 initialed by the defendant and the judge _____.]

3 (dd) Because the crime to which I am pleading guilty was the result of my arrest for one
4 of the following crimes, the listed fee for the crime of arrest must be imposed by the judge at
5 sentencing. The court may reduce the fine by up to two-thirds if it finds that I do not have the
6 ability to pay the fee.

7 Trafficking in the first or second degree: \$3000

8 Indecent exposure, prostitution, or a comparable county or municipal crime: \$50

9 Permitting prostitution or a comparable county or municipal crime: \$1500 if the
10 defendant has no prior convictions, deferred sentences, deferred prosecutions,
11 or diversion agreements for this offense; \$2500 if the defendant has one such
12 prior; \$5000 if the defendant has two such priors.

13 Patronizing a prostitute or a comparable county or municipal crime: \$1500 if the
14 defendant has no prior convictions, deferred sentences, deferred prosecutions,
15 or diversion agreements for this offense; \$2500 if the defendant has one such
16 prior; \$5000 if the defendant has two such priors.

17 Promoting prostitution in the first or second degree, or a comparable county or
18 municipal crime: \$3000 if the defendant has no prior convictions, deferred
19 sentences, deferred prosecutions, or diversion agreements for this offense;
20 \$6000 if the defendant has one such prior; \$10,000 if the defendant has two
21 such priors.

22 Commercial sexual abuse of a minor, promoting commercial sexual abuse of a
minor, promoting travel for commercial sexual abuse of a minor, or a
comparable county or municipal crime: \$5000.

[If not applicable, this paragraph should be stricken and initialed by the defendant and the judge
_____.]

(ee) This plea of guilty will result in the revocation of my right to possess, own, or have in
my control any firearm unless my right to do so is restored by a superior court in Washington State,
and by a federal court if required. I must immediately surrender any concealed pistol license. RCW
9.41.040.

1 (ff) I will be ineligible to vote until that right is restored in a manner provided by law. If I
2 am registered to vote, my voter registration will be cancelled.

3 (gg) Because this is a crime of domestic violence, I may be ordered to pay a domestic
4 violence assessment of up to \$115. If I, or the victim of the crime, have a minor child, the court
5 may order me to participate in a domestic violence perpetrator program approved under RCW
6 26.50.150. If I am convicted under RCW 26.50.110, for a violation that occurred on or after July
7 24, 2015, of a domestic violence protection order issued under chapter 26.50 RCW, the court will
8 impose a mandatory fine of \$15.00. [If not applicable, this paragraph should be stricken and
9 initialed by the defendant and the judge _____.]

10 (hh) Because this crime involves the manufacture, delivery, or possession with intent to
11 deliver methamphetamine, including its salts, isomers, and salts of isomers, or amphetamine,
12 including its salts, isomers, and salts of isomers, if a fine is imposed \$3,000 of the fine may not be
13 suspended. RCW 69.50.401(2)(b). [If not applicable, this paragraph should be stricken and
14 initialed by the defendant and the judge _____.]

15 (ii) Because this crime involves a violation of the state drug laws, my eligibility for state and
16 federal food stamps, welfare, and education benefits will be affected. 20 U.S.C. § 1091(r) and 21
17 U.S.C. § 862a. [If not applicable, this paragraph should be stricken and initialed by the defendant
18 and the judge _____.]

19 (jj) Because the crimes I am pleading guilty to include both a conviction under RCW
20 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more
21 convictions for the felony crimes of theft of a firearm or possession of a stolen firearm, the
22 sentences imposed for these crimes shall be served consecutively to each other. RCW

1 9.94A.589(1)(c). [If not applicable, this paragraph should be stricken and initialed by the defendant
2 and the judge _____.]

3 (kk) If I have Washington State volunteer firefighters vehicle license plates, I must
4 surrender those license plates at the time this plea is entered.

5 7. I plead guilty to the crime(s) of _____
6 _____
7 _____

8 as charged in the information/ _____ amended information, including all charged
9 enhancements and domestic violence designations. I have received a copy of that information.

10 8. I make this plea freely and voluntarily.

11 9. No one has threatened harm of any kind to me or to any other person to cause me to
12 make this plea.

13 10. No person has made promises of any kind to cause me to enter this plea except as set
14 forth in this statement.

15 11. The judge has asked me to state briefly in my own words what I did that makes me
16 guilty of this (these) crime(s), including enhancements and domestic violence relationships, if they
17 apply. This is my statement:

18 _____
19 _____
20 _____
21 _____
22 _____

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

DEFENDANT

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

PROSECUTING ATTORNEY

Print Name: _____
WSBA# _____

DEFENDANT'S LAWYER

Print Name: _____
WSBA# _____

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- ☐ (a) The defendant had previously read; or
☐ (b) The defendant's lawyer had previously read to him or her; or
☐ (c) An interpreter had previously read to the defendant the entire statement above;

and that the defendant understood it in full.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. The defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated this _____ day of _____, 20____.

JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the _____ language and I am fluent in that language, which the defendant understands. I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this _____ day of _____, 20____.

TRANSLATOR

Print Name:_____

INTERPRETER

Print Name:_____